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In re Application of	:	DECISION ON PETITIONS
HENSHAW	:	
Application No.: 09/393,261	:	UNDER 37 CFR 1.137(b)
Filing Date: 10 September 1999	:	
Attorney Docket No.: PM 254839	:	AND 1.103(a)
For: RODENTICIDE	:	

This is a decision on applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the Patent and Trademark Office (PTO) on 01 March 2000 and applicant's PETITION TO SUSPEND ACTION UNDER 37 CFR 1.103(a) filed 20 December 1999. The required petition fees of \$1210.00 (37 CFR 1.17(m)) and \$130.00 (37 CFR 1.17(i)) have been included.

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**BACKGROUND**

On 10 September 1999, applicant filed international application PCT/GB97/00800, which claimed priority of an earlier British application filed 27 March 1996. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 October 1997. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 27 November 1997.

On 10 September 1999, applicant filed the present 1.137(b) petition.

On 20 December 1999, applicant filed the present 1.103(a) petition.

**DISCUSSION**

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this

paragraph was unintentional." and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to Item (1), applicant has satisfied this requirement by filing a continuing application.

As to Item (2) the appropriate petition fee of \$1210.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), applicant's statement that, "the entire delay in filing the required reply from November 27, 1997 to the present was unintentional" and the filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

### CONCLUSION

For the reasons above, the petition for revival is GRANTED.

As stated above, applicant also petitioned the Commissioner to suspend action in the present continuation application until a final decision was rendered regarding the present petition under 37 CFR 1.137(b). As the 37 CFR 1.137(b) decision has now been rendered congruently with consideration on the petition to suspend, applicant's petition to suspend action under 37 CFR 1.103(a) is dismissed as MOOT. Accordingly, Deposit Account No. 03-3975 will be credited \$130.00.

International application PCT/GB97/00800 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 09/393,261.

This application is being forwarded to Group 1617 for continued prosecution on the merits.



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